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Letter dated 18 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/396).

The Counter-Terrorism Committee has received the attached supplementary report from Barbados, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 28 June 2002 from the Permanent Mission of Barbados to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Barbados to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and with reference to the e-mail of 25 June 2002 of the Ministry of Foreign Affairs of Barbados has the honour to transmit the original documentation of the supplementary report of the Barbados Government, as well as texts of the relevant legislation, pursuant to paragraph 6 of Security Council resolution 1373 (2001).

Enclosure

Supplementary report of the Barbados Government pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Introduction

1. On December 24, 2001, Barbados submitted a comprehensive report in response to the mandate contained in paragraph 6 of United Nations Security Council Resolution 1373 (2001). By letter of April 1, 2002 the Committee requested clarification and additional information on a number of issues contained in the report. This Supplementary Report represents the response of the Government of Barbados to the Committee and deals specifically with the queries presented, in the chronological order in which they were raised.

Paragraph 1. "***Decides* that all States shall:**

(a) **Prevent and suppress the financing of terrorism acts;"**

Question 1a) Please could Barbados outline in detail the provisions of the Bill that will specifically make terrorism and the financing of terrorism and all the ancillary acts offences. Please provide a progress report on the enactment of the Bill.

2. On May 28, and 29, 2002 the House of Assembly and the Senate respectively debated and unanimously adopted legislation in the form of the Anti-Terrorism Act, 2002. The Act, which entered into force on May 30, 2002, provides for the prevention and combating of acts of terrorism. Section 3 defines the acts which constitute the offence of terrorism, and Section 4 establishes the financing of terrorism as an offence. A copy of the Act is attached.

3. In adopting this legislation, Barbados has fulfilled the requirements of paragraph 2 (e) of UN Security Council Resolution 1373, that States ensure that terrorist acts are serious criminal offences in their jurisdiction and that the punishment of such acts duly reflects the seriousness of the acts.

4. Section 4 of the Act deals specifically with the financing of terrorism as an offence and incorporates the provisions of Article 2 of the UN Convention for the Suppression of the Financing of Terrorism (1999) and satisfies Barbados' obligations under paragraphs 1 and 2(e) of the U.N Security Council Resolution 1373. This Section criminalises the wilful collection of funds unlawfully and also the wilful provision of financial services where there is an intention that the funds or services are to be used to carry out acts that constitute the offence of terrorism. It stipulates that an offence under Section 4 (1) is committed whether or not the funds or financial services were actually used to carry out the offence. The ancillary acts related to the offences are covered in the Act in Sections 3(2) and 4(3), respectively.

Please clarify whether it is possible to identify the beneficial owners of the entities registered in Barbados and how Barbados prevents persons supporting terrorism registering entities in its territory.

5. Under the Laws of Barbados it is possible to identify the beneficial ownership of entities registered through Section 170 (2) of **The Companies Act CAP 308** (the text of which was provided with the previous Report), in which every company is required to prepare and maintain at its registered office a register of its shareholders, showing:-

i) the name and the latest known address of each person who is a shareholder;

ii) a statement of the shares held by each shareholder;

iii) the date on which each person was entered on the register as a shareholder and the date on which any person ceased to be a shareholder.

6. In addition, recent amendments to the Act now mandate: -

(a) every company having a share capital to file an Annual Return with the Registrar of Corporate Affairs and Intellectual Property. The Annual Return requires all companies having a share capital to submit to the Registrar the information set out at (i) to (iii) above. Furthermore, the Registrar has the power to strike off the Register any company that neglects or refuses to file an Annual Return. By virtue of Section 15 A (2) of the **Companies Act,** a Companies and their directors who fail to file an annual return are liable to an administrative penalty for every day that the return remains unfiled. A copy of this Amendment is attached.

(b) every company that transfers any of its shares subsequent to the filing of its last Annual Return to present that subsequent transfer to the Registrar of Corporate Affairs for adjudication.

7. In addition to the legislative requirements mentioned at paragraphs 5 and 6, administrative arrangements are in place at the office of Corporate Affairs and Intellectual Property to enable the Registrar, using authoritative sources, to cross-check all relevant lists of persons suspected of supporting or financing terrorism against the names of persons who are registered or endeavouring to register entities in Barbados.

"*Decides* that all states shall:

1(b) Criminalise the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or their territories with the intention that the funds should be used, or in the knowledge that they are to be used to carry out terrorist acts;"

Question 1(b) In view of the reply in paragraph 30 of the report which states that affairs of international banking customers are covered by confidentiality, how does the Central Bank of Barbados obtain information on depositors suspicious transactions?

8. In Barbados, the affairs of international banking customers are covered by confidentiality in relation to the banks' dealings with the Central Bank as the regulatory authority. However, confidentiality is not absolute where the state has concerns about suspicious banking activity.

9. In keeping with its role of safeguarding the safety and soundness of the financial system, the Central Bank carries out onsite inspections of financial institutions. During these inspections, the Bank assesses *inter alia* the procedures and controls that financial institutions have in place to combat money laundering. Specifically, the Central Bank verifies that each financial institution adopts adequate internal control procedures to facilitate the detection of suspicious or unusual activity.

10. If a financial institution detects suspicious activity, it is required by law to submit a report to the Anti-Money Laundering Authority for investigation by the Financial Intelligence Unit. The Money Laundering (Prevention and Control) (Amendment) Act 2001 (a copy of which has been previously submitted with the Barbados Report) gives extensive investigative powers to the Financial Intelligence Unit (FIU) which reports to the Attorney General.

11. The FIU has access to all the relevant financial agencies including the Land Tax Department, the Value Added Tax Office, the Department of Inland Revenue, the Customs and Excise Department and the Corporate Registry. Such access serves to enhance the investigative powers to develop financial transaction profiles of individuals or bodies operating in the country. This information is confidential and can only be used for the legitimate purpose authorised in the legislation.

Is there a proposal to amend the Common Law and/or the Criminal Procedure Act to incorporate the requirements of the International Convention for the Suppression of the Financing of Terrorism?

12. The Government of Barbados has implemented the provisions of the Convention through the enactment of the Anti-Terrorism Act 2002-6. No amendments to Common Law or the Criminal Procedure Act are necessary.

"*Decides* that all States shall:

1(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;"

Question 1(c) It appears that the requirement of this sub-paragraph cannot be fulfilled on account of constitutional restraint on freezing of assets and forfeitures. Please inform the CTC of the outcome of the study of the legal consultant on this matter.

13. The Report of the legal consultant assisted in clarifying the appropriate manner in which matters related to the freezing of assets and forfeitures could be conducted in accordance with the Constitution of Barbados. Based on the outcome of that study, the Anti-Terrorism Act provides for the freezing of funds through a judicial process rather than by way of Executive Order. It enables the Court on an application by the Director of Public Prosecutions to make an order to freeze, without delay, the funds and other financial assets or economic resources in possession or in the control of a person charged or about to be charged with a terrorist offence. The procedure with regard to the freezing and forfeiture of funds is outlined in Sections 8 and 9 of the Anti -Terrorism Act 2002.

14. In drafting this new Act, the Government has taken care to balance its obligations as a Member of the United Nations, which is cooperating fully in the international effort to combat terrorism, with its constitutional duty to show full respect for due process, natural justice and basic human rights. The legislation also takes care to protect the rights of innocent third parties so that they do not suffer losses from forfeiture or freezing of assets.

Does the law allow the freezing of funds, financial assets and or economic resources that are held by persons or entities in Barbados that support terrorism outside the territory of Barbados?

15. As indicated in paragraph 12, the Anti-Terrorism Act 2002 enables the Court, on application by the Director of Public Prosecutions, to make an order to freeze the funds in the possession or control of someone charged or about to be charged with a terrorist offence. Once a request has been made, it goes before a judge pursuant to Section 8(4). In this regard, a freezing order can then be made by the Court once it is established that a reciprocal arrangement exists between Barbados and the foreign state making the request.

Section 27 of the Mutual Assistance in Criminal Matters Act outlines the procedure for states seeking assistance in obtaining a restraining or freezing order.

"*Decide*s that all States shall:

> **1(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly by such persons and of persons and entities acting on behalf of or at the direction of such persons;"**

Question 1(d) Are there legal provisions that govern the collection and use of funds by charitable institutions? Please outline them.

16. All charities, except those which are exempt, are required to be registered under the **Charities Act, CAP 243**, a copy of which is attached. In making the application for registration, the charity trustees are required to supply copies of the trusts and any other information which the Registrar may request for the purpose of the application.

17. The only Charities exempted from registration are those listed in the First Schedule of **CAP 243** as follows :-

(a) the Barbados Community College;

(b) the National Sports Council;,

(c) the National Assistance Board;

(d) the Queen Elizabeth Hospital Board;

(e) the Child Care Board;

(f) the Sanitation Service Authority

(g) schools administered under the **Education Act , CAP 41**;

(h) public and private hospitals; and

(i) churches within the meaning of that expression in Section 2 of the Anglican Church, Act Cap 375 and any church whose Superintendent or Minister receives any sum by way of grant in aid under the **Grant in Aid(Churches) Act, CAP 376;**

(j) any charity which is excepted by order made by the Attorney General;

(k) any charity whose endowment or income from property does not exceed $100 per annum.

The entities at (a)-(f) and most of those at (g) are governmental bodies.

18. The trustees of a charity are required to keep proper books of account with respect to the affairs of the charity. The trustees must also prepare consecutive statements of accounts consisting of an income and expenditure account relating to a period of not more than 15 months and these must be transmitted to the Registrar.

19. The Registrar is also empowered to order an investigation and audit of the accounts of a charity. This is done by a member of the Institution of Chartered Accountants of Barbados. In addition, by section 38 (1) of the Act the Attorney General may examine and inquire into any charity (including an exempt charity referred to in paragraph 16. This inquiry can be into the nature and objects, administration, management, the value, condition and application of the property or income belonging to the trusts-Section 38 of **CAP 243.**

20. The **Charities Act** was recently amended through the Second Schedule of the Anti-Terrorism Act, 2002, by the insertion of sub-section 38 (1A), to empower the Attorney General to order an examination and inquiry if any charity is suspected of having committed an offence under section 3 or 4 of the Anti-Terrorism Act.

21. The trustees of a registered charity are also required to inform the Registrar if there is any change in its trusts or in the particulars, including the names of the trusts.

Are natural or legal persons other than banks (e.g. attorneys, notaries and other intermediaries) required to report suspicious transactions to the public authorities, and if so, what penalties apply if such persons omit to report either wilfully or by negligence?

22. To the extent that an Attorney-at-Law performs specific financial services and maintains a client's account in relation to those services, he is required by law to report suspicious transactions, and can be convicted and fined if he fails to do so. The Money Laundering (Prevention and Control Act) focuses on broad generic classes of occupation rather than the character of persons extending the services, and in so focusing demands that any person involved in "money transmission services, investment services or any services of a financial nature' be aware of the provisions and obligations under that Act.

23. However, the Government of Barbados has also adopted administrative policies to sensitise all service providers to know their customers. Guidelines have been issued and other sensitisation exercises have been conducted so that persons are encouraged to report suspicious transactions as they are detected.

24. In Barbados, Notaries are not involved in services of a financial nature but are recognised specifically for the purpose of taking oaths.

"*Decides* also that all States shall:

2 (a) Refrain from providing any form of support, active or passive to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;"

Question 2(a) Does Barbados have in place or propose to introduce any measures to prevent illegal entry of weapons into is territory?

25. Under the laws of Barbados, citizens do not have the automatic right to bear arms and only licensed firearm holders are allowed to do so. The supply of weapons to citizens is controlled by the **Firearms Act 1998-32,** a copy of which was previously submitted with the Barbados Report. The policy related to the issue of firearm licences is stringent and has been further tightened.

26. Barbados does not manufacture, produce or distribute weapons, ammunition or military equipment, but remains very concerned over the increasing incidence of illegal export of illicit arms within the hemisphere. In particular, it notes with concern the correlation between the decommissioning of weapons in the context of hemispheric peace processes and the ready availability of a pool of weapons on the region's black market.

27. Barbados intends to strengthen its administrative procedures and security measures by installing electronic scanning equipment at ports of entry for all cargo coming into Barbados and by requiring all sea-going craft, including local fishing vessels to use designated customs controlled ports of entry when entering the country.

28. The human resource, administrative and equipment costs associated with the heightened surveillance required in the post-September 11th environment are extremely burdensome on a small developing state like Barbados, which has not previously needed to give priority to this aspect of security, and which continues to be concerned at the effect the diversion of budgetary resources in this regard will have on the country's economic and social development. There is an urgent need for financial and technical assistance for the provision of equipment and training to strengthen the country's capacity at surveillance, detection and interception of illicit arms. With the limited financial resources of a small economy, the cost of implementing such measures as related to monitoring terrorist activity has not been previously factored among economic priorities. In this regard, the Government of Barbados wishes to request financial assistance for the purposes of surveillance and interception of illicit arms.

"*Decides* also that all States shall:

2(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;"

Question 2(b) This paragraph calls upon States to take necessary steps to provide early warning to other states to prevent the commission of terrorist acts. What steps have been taken by Barbados in this regard, apart from participation in the Regional Security System of which it is a member?

29. The Government of Barbados honours its Treaty and other obligations in respect of the maintenance of hemispheric and international security, and has given details of the mechanisms in place for the gathering and exchange of intelligence and information at paragraphs 58 to 65 of the previous report to the Security Council. The Barbados Government and its Security and Law Enforcement Agencies cooperate fully with like-minded

Governments in this regard. To provide further details on operational matters would compromise the effectiveness of the on-going efforts.

What provisions are in place under the Regional Security System to ensure the implementation of the requirements of this sub-paragraph?

30. The Regional Security System has widened its ability in gathering intelligence information with regard to counter-terrorist activities in the Eastern Caribbean region. In accordance with the RSS Treaty, a threat to any one RSS Member State is a threat to all and with this in mind, every effort is being made to ensure the effective exchange of information between Member States.

31. The activities of the RSS Maritime Operations Cell(MOC) have been upgraded to cover all aspects of intelligence gathering , not only in the area of combating the drugs threat, but with greater responsibility to collect data regarding possible terrorist activity in any of the Member States or indeed the region as a whole.

32. The RSS has formed close links with military Chiefs and Commissioners of Police in all Member States of the Eastern Caribbean.

***"Decides* also that all States shall:**

2 (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;"

Question 2(d) What is the extent of the jurisdiction of the courts in Barbados over foreigners accused of terrorist acts who are found in the territory of Barbados?

33. An act to which the Committee's question under sub-paragraph 2(d) relates, may be an offence against Barbadian law, or it may be an offence against a foreign law.

34. If the act in question is an offence against a foreign law and it is a foreign State that wishes to prosecute the foreigner found in Barbados, Barbadian extradition law applies. The foreigner can be said to be subject to Barbadian jurisdiction in the limited sense that by virtue of Barbados' obligations under Barbadian extradition law, Barbados may be under a legal duty to hand him over to the foreign State for trial by that foreign State.

35. For the purposes of paragraph 34 above, Barbadian extradition law is contained in the **Extradition Act, CAP. 189**, a copy of which was submitted to the Committee with the Barbados Report on December 24, 2001.

36. If the act in question is an offence against Barbadian law, the foreigner found in Barbados is in principle subject to the jurisdiction of the Barbadian courts just as a citizen of Barbados would be. An exception to this is the case where the foreigner enjoys diplomatic privilege, in which case the **Diplomatic Immunities and Privileges Act CAP. 18** applies. A copy of that Act is attached.

37. It will be seen from Section 12 of the Anti-Terrorism Act 2002, that in accordance with the Barbados Government's understanding of its legislative capacity under international law, the jurisdiction of Barbadian courts under that Act may even extend in certain circumstances to foreigners accused of terrorist acts who may never have set foot in Barbados.

***"Calls* upon all states to:**

3(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;"

Question 3(c) Please provide a list of the countries with which Barbados has concluded bilateral treaties.

38. Barbados became party to a number of bilateral treaties on independence in November 1966 by virtue of succession. The process of review of the treaties to decide upon their continued application to Barbados has not been completed, and those treaties which have continued in force for the United Kingdom are currently applicable to Barbados. Barbados has also signed an Extradition Treaty with the United States of America in 1996 and participates in the arrangements relating to the Rendition of Fugitive Offenders between countries of the Commonwealth. With respect to treaties related to mutual assistance, Barbados has concluded a mutual assistance treaty in relation to Drug Trafficking, with the United Kingdom in 1991. In 1996, Barbados and the United States of America concluded a Mutual Legal Assistance Treaty in Criminal Matters.

39. As indicated previously in paragraph 18 of the Report previously submitted to the UN Security Council, Barbados has concluded Double Taxation Agreements with Switzerland, the United Kingdom Canada, the United States of America, Finland, Norway, Sweden, China, Cuba, Venezuela and Malta, which all have adequate exchange of information provisions. In addition, Barbados also has a Tax Exchange of Information Agreement with the United States of America, which was signed in 1984.

***"Calls* upon all states to:**

3(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

Question 3(d) Please indicate the intentions of Barbados regarding the signing and ratification of the UN Convention on the Physical Protection of Nuclear Material.

40. The Government of Barbados is committed to the ideal of global peace and security and freedom from fear of nuclear proliferation. It therefore treats with seriousness all issues related to the peaceful uses of nuclear materials. Barbados does not have the capacity to manufacture, or store nuclear materials, nor does Barbados have nuclear material in its possession for peaceful uses, apart from insignificant amounts associated with medical equipment which fall below the reporting threshold of the Safeguards Agreement of the Non Proliferation Treaty. In this context, accession to the UN Convention on the Physical Protection of Nuclear Material was not previously seen as a priority. However, given the current international security environment in the aftermath of the events of September 11, 2001, a review is being undertaken with the aim of accession to the Convention.

Please provide a progress report on the ratification of the remaining international conventions and protocols relating to terrorism that Barbados has not yet ratified.

41. The Cabinet has approved accession of the Government of Barbados to the following Conventions:

- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)
- United Nations Convention for the Suppression of Terrorist Bombing (1997)

Formal steps for accession to these Conventions are being finalised and are expected to be completed shortly.

42. As indicated at paragraph 2, the Government of Barbados has enacted legislation to implement the UN International Convention for the Suppression of the Financing of Terrorism (1999) on May 30, 2002. Formal steps for ratification of that Convention will be completed shortly.

Please explain how the Barbados has implemented those conventions and protocols it has ratified and outline the relevant legislation that has been adopted.

43. The Government of Barbados is a state party to the listed United Nations Conventions, and has implemented legislation on the following, as outlined below:

(a) The Convention on Offences and Certain Acts Committed on Board Aircraft (1963). Ratified in 1972, this has been incorporated into the into the **Hijacking Act, CAP. 135 A**

(b) The Convention for the Suppression of Unlawful Seizure of Aircraft (1970) Ratified in 1973 and incorporated into the **Hijacking Act, CAP 135A.**

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971). Barbados has incorporated this Convention into the **Civil Aviation (Montreal Convention) Act, CAP. 123A**

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (1973). This has been incorporated into the **Internationally Protected Persons Act, CAP 123A**

(e) The International Convention against the Taking of Hostages (1979). Barbados acceded in 1981.

(f) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988). Barbados acceded in 1994 and this has been incorporated into the **Shipping Act, CAP. 296.**

(g) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988). Barbados acceded in 1994.

Have the offences under the relevant international conventions and protocols been included as extraditable offences in bilateral treaties to which Barbados is party?

44. The purpose of this question is not understood. The response at paragraphs 49 to 58 however sets out in detail Barbados' position in relation to extradition generally.

***"Calls* upon all states to:**

3(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts;"

Question 3(f) How does Barbados propose to meet the requirements of this sub-paragraph?

45. The number of persons seeking asylum or refugee status in Barbados over the years has been at the absolute minimum. Consequently there has been no pressing need to enact legislation, in addition to the current Immigration Act, aimed at regulating the activities of such persons.

46. As in the case of other persons seeking to take up residence in Barbados, detailed security checks are carried out prior to any form of status being conferred on the applicant. In this regard, the relevant regional and international agencies continue to provide most valuable assistance whenever the need arises.

47. Cooperation by these agencies has complemented the existing legal and administrative arrangements which are in place and so far have proved effective.

48. A recent Amendment to the **Immigration Act CAP. 190** contained in the Second Schedule of the **Anti-Terrorism Act, 2002**, classifies as prohibited entrants to Barbados, "persons who have been convicted of the offence of terrorism or in respect of whom there are reasonable grounds for believing that they have financed or facilitated acts of terrorism".

***"Calls* upon all states to:**

3(g) Ensure in conformity with international law, that refugee status is not abused by the perpetrators, organisers, or facilitators of terrorist acts, and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists;"

Question 3(g) Please provide a copy of the relevant provision of the Extradition Act relating to the recognition of claims of political motivation as grounds for refusing requests for extradition.

49. Barbados' **Extradition Act,** Section 7 (1) states in part as follows:

7. (1) "No fugitive may be surrendered under this Act:

(a) if the crime of which he is accused or alleged to have been convicted is an offence of a political character;"

(b) if the request for his surrender is in fact made for the purpose of prosecuting or punishing him on account of his race, tribe, religion, sex, nationality or political opinion, not withstanding that the request purports to be, made on account of an extradition crime,".

50. By virtue of amendments made to sections 7 and 47 of the **Extradition Act** by the Second Schedule to the **Anti-Terrorism Act, 2002,** terrorism offences are now stated NOT to be offences of a political character. Under Barbadian extradition law, therefore, a terrorism offence is regarded as not being "political", and is, in principle, extraditable;

51. Notwithstanding what has been said above, paragraph (b) of section 7 (1) of the **Extradition Act** quoted above has effect that Barbados must not surrender a fugitive "if the request for his surrender is in fact made for the purpose of prosecuting or punishing him on account of his…political opinion";

52. It should be noted that the combined effect of the above stated position of Barbadian law in relation to terrorist offences is to mirror the provisions of the Article 14 and 15 of the United Nations Convention on the Suppression of the Financing of Terrorism;

53. Attention is also drawn to Section 11, subsection (2) of the Anti-Terrorism Act, 2002, which, generally speaking, reinforces the exceptions provided for in section 7 (1) (b) of the Extradition Act quoted above, and mirrors Article 15 of the above-mentioned Convention.

Please provide a list of countries with which Barbados has concluded extradition treaties.

54. The information submitted at paragraph 38 is relevant in this regard.

55. As has been stated above in paragraphs 33 to 37 above), the **Extradition Act** CAP 189 is the Act which empowers Barbados to play its part in extraditing offenders to overseas countries and obtaining the extradition of offenders from overseas countries to Barbados;

56. By the Second Schedule to the **Anti-Terrorism Act 2002,** offences triable under that Act have now been added to the list of extraditable offences under the **Extradition Act;**

57. By a recent amendment to the **Money Laundering (Prevention and Control Act, 1998),** the offence of money laundering was added to the list of offences that are extraditable under the **Extradition Act.**

58. Barbados has also enacted a **Mutual Assistance in Criminal Matters Act,** CAP 140A. Under this Act, Barbados can give assistance to, and receive assistance from, overseas countries, on the basis of reciprocity, in prosecuting crime. Under this legislation, assistance can be given to and received from any country which has a bilateral treaty with Barbados in respect of mutual assistance in criminal matters, and also to and from any country which is a party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 ("The Vienna Convention")

4. *Notes* with concern the close connection between international terrorism and transnational organised crime, illicit drugs, money laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasises* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.

Question (4) Has Barbados addressed any of the concerns expressed in paragraph 4 of the Resolution?

59. As indicated in its earlier report, the Government of Barbados and its Security and Law Enforcement Authorities share the Security Council's concerns about the inter-relationship among the various components of

transnational crime and are participating fully at the national, regional and international level in response to these threats to security. For small states like Barbados, security issues cannot be divorced from economic issues. Many of the emerging threats to international security are created or exacerbated by the fact that many of our societies are not capable of meeting the basic needs of their people. Poverty, inequity and injustice have always provided a fertile breeding ground for zealotry, fanaticism and criminal behaviour. The major threats to security which confront most of our governments in the early twenty-first century no longer centre on military confrontation between states, but involve the challenges posed by new and non-traditional threats, of which terrorism is only one component. Equally devastating to small vulnerable states are the threats posed by the illicit trafficking in narcotics and small arms, organised transnational crime, the pandemic of HIV/AIDS, the effects of economic disenfranchisement, poverty and social exclusion, environmental degradation and natural disasters. Our governments have not traditionally been structured to deal with such threats where the enemy is not definable and where the principal involvement is by non-state actors.

60. While small states are particularly vulnerable to these insidious new threats, no country can consider itself immune and given the trans-border nature of the threats, the only viable response is one which is coordinated at the multilateral level. It is for this reason that Barbados took the initiative at the recent General Assembly of the Organisation of American States, held in Bridgetown from June 2-4, 2002 to introduce the topic: "A Multidimensional Approach to Hemispheric Security" as the main theme of the Dialogue of Foreign Ministers. This theme will be further developed at the Hemispheric Security Conference in Mexico in 2003, where it is hoped that comprehensive strategies and mechanisms will be agreed upon to deepen cooperation and coordination in a hemispheric partnership to address these new security threats in a more focused manner.

61. At the sub-regional level, Barbados has actively participated in the work of the CARICOM Intergovernmental Task Force on Drugs (IGTF). This was established by the CARICOM Conference of Heads of Government at its Fifth Special Meeting in December 1996, and its main task is to formulate an integrated regional counter narcotics policy, covering all aspects of the drug trade. Since its establishment, the IGTF has proved to be a very useful mechanism in terms of coordinating anti-narcotics programmes in the region.

62. A CARICOM Task Force on Crime and Security was established in July 2001 by the CARICOM Heads of Government to study the fundamental causes of crime, violence and security threats in the region and to develop recommendations for a co-ordinated regional and/or sub-regional response. Barbados has also been involved in the work of this Task Force, which presented a comprehensive report to the Committee of Attorneys General on June 19, 2002. The issue will also be the subject of discussion at the CARICOM Heads of Government Conference in July, 2002.

63. At the international level it should be noted that, in addition to the agreements indicated in the previous submission to the UN Counter-Terrorism Committee, Barbados is also party to a number of bilateral and multilateral treaties which address various components of transnational security threats, including:

- Agreement Between the Government of Barbados and the Government of Venezuela for the Prevention, Control and Suppression of the Unlawful Consumption of or Traffic in Narcotics and Psychotrophic Substances-Signed July, 1987
- Agreement between the Government of Barbados and the Government of Great Britain and Northern Ireland concerning Mutual Assistance in relation to Drug Trafficking-Signed April, 1991
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psy[illegible]otropic Substances, Acceded October 1992

- Agreement between the Government of Barbados and the Government of Cuba to combat International Drug Trafficking-Signed November, 1993
- Agreement between the Government of Barbados and the United States of America to combat Narcotics- Signed September, 1996
- Caribbean United States Summit -Bridgetown Declaration of Principles-Signed May, 1997
- Agreement between the Government of Barbados and the Government of the United States of America concerning cooperation in Suppressing Illicit Maritime Drug Trafficking-Signed June 1997
- Memorandum of Understanding between the Government of Barbados and the Government of the Untied States of the America for Cooperation in Preventing and Combating Criminal Activities including the Illicit Traffic in Narcotic Drugs and Psychotropic Substances-Signed June 1997

Barbados has also signed the following conventions and is in the process of completing its ratification of the same:

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other related Materials-Signed April, 2001
- Inter-American Convention against Corruption-Signed April, 2001
- Agreement between the Government of Barbados and the Government of Canada regarding the sharing of forfeited or confiscated Assets and equivalent funds on behalf of the Government of Barbados, Signed February, 2001
- United Nations Convention Against Transnational Organised Crime Signed September, 2001
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Organized Crime-Signed September, 2001
- Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime-Signed September, 2001
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Component and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime-Signed September, 2001
- Inter-American Convention Against Terrorism-Signed June, 2002

64. Barbados continues to be concerned that, as a small and vulnerable state, it has no capacity to defend itself against weapons of mass destruction and reiterates its strenuous objections to the continued use of the Caribbean Sea as a route for the transhipment of hazardous nuclear materials, which places all of the countries of the region at an increased risk of a potential catastrophe in the event of terrorist action or accident. This matter continues to occupy the attention of the Council for Foreign and Community Relations (COFCOR) of the Caribbean Community, which at its last meeting on May 8, 2002, issued a statement stressing that "the events of September 11, 2001 and the subsequent public revelations that nuclear options have indeed been explored by terrorist groups clearly demonstrate that the threat of nuclear accident or nuclear terrorism is very real. In these circumstances, and at a time when the international community is so heavily focused on security

issues, it is inconceivable that the dangerous shipments should be allowed to continue on a routine basis, without regard to the obvious and escalating risks to which they expose all societies in their transit path."

Other matters – Could Barbados provide an organizational chart of its administrative machinery, such as police, immigration control, customs taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen by your government as contributing to compliance with the Resolution ?

65. The relevant organisational chart is annexed to this Report.

Conclusion

66. In keeping with paragraph 1.4 of the Guidance for the Submission of Reports, pursuant to Paragraph 6 of Security Council Resolution (1373) 2001 of 28 September 2001, regarding the identification of areas in which states require additional guidance or technical assistance in implementing the resolution, the Government of Barbados reiterates its request for assistance in the implementation of some of the required counter-terrorism measures. Barbados is a small state with limited financial and technical resources relative to the demands of the fight against terrorism.

67. Traditionally, terrorism has not been a serious threat to this country and budgetary priorities have been focused towards the island's social and economic development, as well as the stated goal of the elimination of poverty. Sustaining this development focus is already threatened by the emphasis that must now be given to the non-traditional aspects of security as previously outlined. However, Government is cognisant of the very real threat posed by international terrorism and those who perpetrate terrorist acts. In these circumstances, the Government of Barbados remains committed to the fight against terrorism and will do all within its capacity to contribute to the international effort in this regard in keeping with the provisions of its Constitution and relevant international law. Barbados will however require financial and technical support from the international community if it is to avoid the destabilising diversion of its limited resources from priority development activities towards security issues, whose main beneficiaries will be the developed countries against which the majority of acts of terrorism are directed.

68. Technical assistance is required for law enforcement agencies including the Customs and Immigration Departments, through the acquisition and maintenance of appropriate technology including electronic surveillance and interception equipment for the Port and Airport as well as the training of personnel in counter-terrorism techniques including detection of fraudulent travel documents and where relevant, enhanced forensic capacity in biological and chemical detection.

69. Financial and Technical assistance as well as Training is specifically required for:

- The Task Force, Special Branch, and Intelligence Arms of the Royal Barbados Police Force
- Assistance for the relevant Legal professionals, in both civil and criminal matters with regard to drafting in the area of security and in the preparation of enabling legislation. Technical studies are also needed to review Barbados' legislative and administrative capacity to implement many of the necessary actions to fight terrorism and the financing of the same.

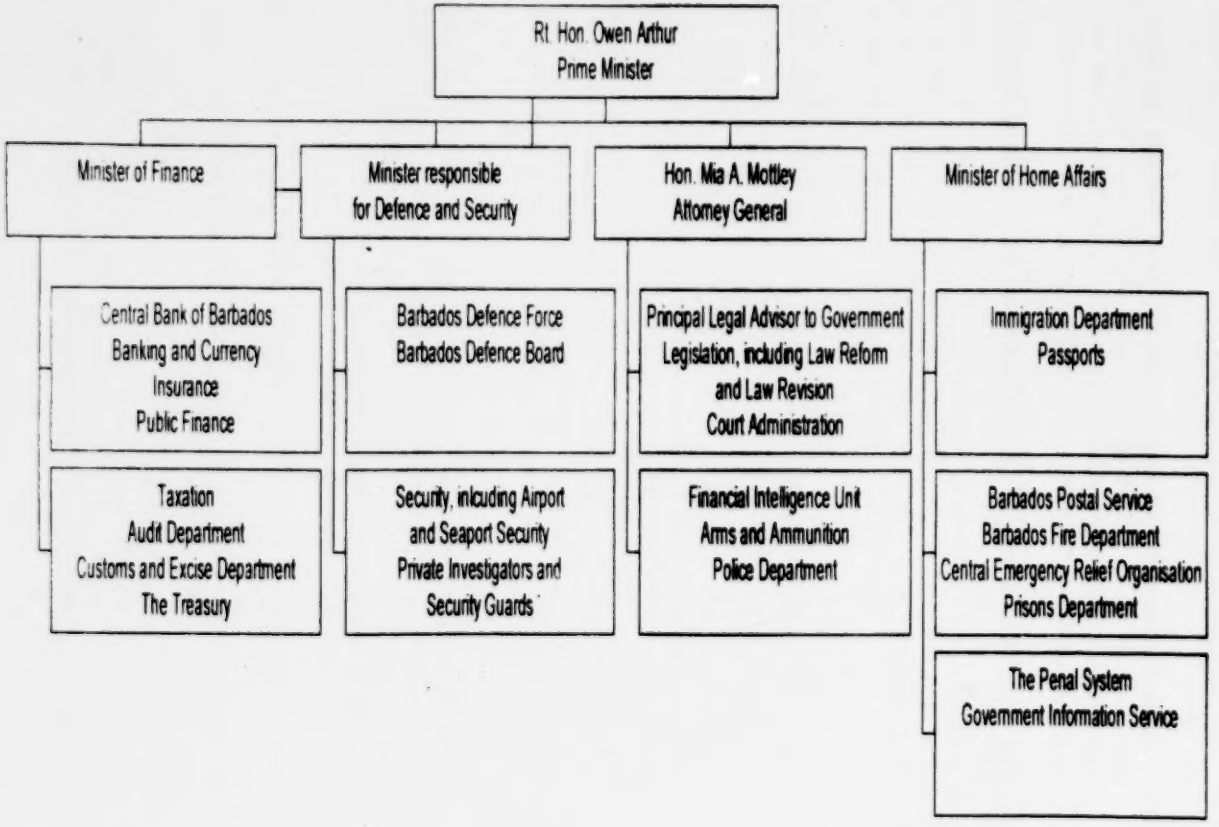
- IT assistance is required in the establishment of a comprehensive database, which allows for tracking suspicious movements and activities at the domestic, regional and international levels

- Appropriate hardware and software computer equipment to create an effective network linking the related law enforcement agencies, both nationally and regionally.

- Making Barbados' border control measures more effective and more efficient through the provision of early access to passenger, carrier and cargo information. This advance information should be provided electronically by the carriers, both airlines and ships, so that better profiling and targeting can be undertaken by Law Enforcement Agencies.

A comprehensive list of technical and financial assistance needs is annexed to the Report.

GOVERNMENT OF BARBADOS
ORGANISATIONAL CHART
LAW ENFORCEMENT AGENCIES



See Paragraph 65

Annexes to the supplementary Barbados report pursuant to paragraph 6 of Security Council resolution 1373 (2001)*

- Anti-Terrorism Act, 2002-6
- The Companies Act (CAP 308-Sec 15A)
- The Charities Act, CAP 243
- The Diplomatic Immunities and Privileges Act, CAP 18
- List of technical, financial and training requirements

* The annexes are on file with the Secretariat and are available for consultation.